

**DRIVER LICENSE SUSPENSION, REVOCATION AND INVALIDATION**

A licensed driver can lose his or her driving privileges for violating traffic regulations and other laws of this state. This article summarizes the ways in which driving privileges can be lost. **DRIVING A MOTOR VEHICLE IN THE STATE OF INDIANA IS A PRIVILEGE AND NOT A RIGHT!**

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**CHAPTER A**

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**MANDATORY COURT-ORDERED SUSPENSIONS:** Indiana law gives courts the authority to order the Bureau of Motor Vehicles to suspend a person's driver license when he or she is found to have committed certain traffic violations. In most of these instances a minimum suspension period is required. A driver license gives you the privilege to operate a vehicle in a legal manner; it can be taken away if you do not abide by Indiana traffic laws.

1. **License Suspension for Operating a Vehicle While Intoxicated:** A person who operates a vehicle in this state agrees to submit to a chemical test (commonly known as a Breathalyzer test) to determine the amount of alcohol in the person's bloodstream. Driving while intoxicated or with a blood-alcohol content ("BAC") in excess of the legal limit is a criminal offense and will have an immediate and significant effect on your privilege to operate a motor vehicle. A sobering fact about alcohol: It is not what you drink. It's how much. A 12-ounce can of beer, a 5-ounce glass of wine and a cocktail with 1.5 ounces of 80 proof distilled spirits all contain the same amount of alcohol.
  - a. **Refusal to Submit to Breath Test:** A person who refuses to submit to a breath test conducted by a law enforcement officer will have his or her license immediately confiscated and will face a license suspension of up to one (1) year.
  - b. **Failure of Breath Test:** If a person submits to the breath test, that person's driving privileges may be suspended for a period of up to 180 days upon receipt by the BMV of an affidavit from the law enforcement officer submitted to the court containing the results of the failed test.

**c. Post-Conviction Suspensions:** The suspensions discussed in subsections a. and b. above are pre-conviction license suspensions. When a person is convicted of operating a motor vehicle while intoxicated or with a BAC of 0.08% or more the court is required to suspend the driver license for at least ninety (90) days or up to two (2) years. The suspension periods are longer for repeat offenders. Even if a person is a first-time offender and the local courts defer the conviction the ninety (90) day suspension is mandatory.

- (i) The court may, if the person is not a repeat offender and is otherwise eligible, stay the execution of the post-conviction suspension and issue an order for a probationary license giving limited driving privileges. A person must be suspended for at least thirty (30) days, before the probationary driving privileges can go into effect. The court may require the installation of an ignition interlock device, which mechanically tests the driver's BAC before his or her car can be started, as a condition of the probationary license.
- (ii) If the driver license is suspended upon conviction of a major offense, in order to be reinstated, the driver must submit proof to the BMV of high-risk insurance (SR-22 filing), from an insurance agent. This filing provides that the driver has in effect an auto liability policy that cannot be cancelled without prior notice.

NOTE: Financial Responsibility (SR-22) insurance is mandatory for three (3) years after the conviction date. If the BMV receives a cancellation notice or does not have a current SR-22 on file at any time during the three (3) year period after reinstatement, the person's driving privileges will become suspended again.

- 2. Driving While Suspended:** If you are convicted of driving while suspended, the violation carries a mandatory minimum suspension of ninety (90) days and not more than two (2) years, which runs consecutively with any current suspensions.
- 3. Miscellaneous Criminal Acts in an Automobile:** In addition to the suspensions noted above, Indiana law mandates minimum license suspension periods for acts such as criminal recklessness and criminal mischief in an automobile as well as more serious offenses such as involuntary manslaughter and reckless homicide.

4. **Court-Ordered Suspensions:** In addition to license suspensions mandated under Indiana law, judges have the authority to suspend a driver for a period of up to one (1) year upon conviction for a moving offense.
5. **Suspension for Juvenile Offenses of Operating While Intoxicated:** Upon the issuance of a citation for an offense in violation of the operating- while-intoxicated laws for the State of Indiana (IC 9-30-5), the juvenile court shall recommend the suspension of the driving privilege of the child alleged to have committed the offense.

Upon the determination by juvenile court that a child is a delinquent child due to the commission of a delinquent act in violation of the operating- while-intoxicated laws for the State of Indiana (IC 9-30-5), the juvenile court shall recommend the suspension of the driving privileges of the delinquent child.

6. **Emergency Vehicle, Stationary Recovery Vehicle, and Stationary Highway Maintenance Vehicle:** Upon the immediate approach of an authorized emergency vehicle, **giving an audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a driver must do the following unless otherwise directed by a law enforcement officer:**
  - a. Yield the right of way
  - b. Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.
  - c. Stop and remain in the position until the authorized emergency vehicle has passed.

Upon approaching a stationary authorized emergency vehicle, a stationary recovery vehicle or a stationary highway maintenance vehicle, when the vehicle is giving a signal displaying alternately flashing lights, a person who drives an approaching vehicle shall:

- a. Proceed with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the stationary vehicle, if possible, with due regard to safety and traffic conditions; if on a highway, at least four (4) lanes with no less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

- b. Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

Upon receiving a record of judgement entered against a person for failure to adhere to the provisions set forth above, the bureau shall suspend the person's driving privileges for a mandatory period in accordance with the recommendation of the court that entered the judgement.

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## CHAPTER B

**FAILURE TO APPEAR OR TO PAY FOR TRAFFIC OFFENSES:** Failing to respond to the issuance of a citation by a law enforcement officer for speeding or other offenses or not paying for tickets after a judgement has been entered will lead to the suspension of your driving privileges. Upon receipt of a certification from a court that a person has not appeared or paid for a traffic offense, the BMV is required to suspend that person's driving privileges. The suspension is indefinite and ends only when the person has either appeared or paid for the offense, and provides proof of disposition to the Bureau of Motor Vehicles.

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## CHAPTER C

### **HABITUAL TRAFFIC VIOLATORS:**

- 1. **Summary:** Indiana's Habitual Traffic Violator law provides serious penalties for persons who have committed repeat traffic offenses over a ten (10) year period. The Bureau of Motor Vehicles will use the criteria listed below to determine if a driver qualifies as a Habitual Traffic Violator.
- 2. **Qualifying as a Habitual Traffic Violator:** A habitual traffic violator is any person who, within a ten-year period collects convictions of the number and type outlined below:
  - a. **Two Serious Offenses Resulting in Injury or Death (Ten-Year Suspension), including:**
    - (i) reckless homicide;
    - (ii) voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;
    - (iii) a driver involved in an accident that results in death or injury who fails to stop at the scene of the accident;